

AMENDMENTS TO THE DRAWINGS:

New Figure 13 has been added.

REMARKS

Initially, Applicant would like to thank Examiner Fineman for her time discussing the application as part of a telephonic interview.

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

New drawing Figure 13 is added showing the optical element between the objective lens and the eyepiece, consistent with the disclosure on page 22, lines 1-15 of the application as filed and consistent with Figures 1 and 11 as filed. The drawing is believed not to introduce new matter.

Claims 1, 6-62, 64 and 65 are pending in the application. Claims 6-61 are withdrawn from consideration as being directed to a non-elected species.

Claims 1, 64 and 65 were rejected as unpatentable over KATO et al. 6,134,048 in view of Austrian Patent Publication No. AT 000307 (AT-307). That rejection is respectfully traversed.

Independent claims 1 and 65 are amended to recite "at least one optical element is movable along a curved guide so as to follow a curved path".

As set forth during the interview, page 11, lines 10-26 of the present application disclose guide 12 for the optical elements. The guides are curved as seen in Figures 1 and 11 so

that the optical elements follow a curved path by following the curved guide.

As noted in the interview summary, amending the independent claims to include the curved guide appears to distinguish over KATO.

AT-307 does not teach curved guides. Accordingly, amending the claims to recite curved guides is believed to distinguish over the art of record.

Claim 62 was rejected as unpatentable over KATO in view of AT-307 and further in view of KANDA 4,886,340. That rejection is respectfully traversed.

KANDA is only cited for the teaching of a tilting element. KANDA does not teach or suggest a curved guide recited in claim 1. As set forth above, KATO in view of AT-307 does not teach or suggest a curved guide as recited in claim 1. Since claim 62 depends from claim 1 and further defines the invention, the proposed combination of references would not have rendered obvious claim 62.

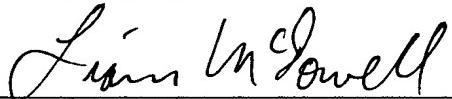
Claim 1 was indicated as generic. Since claim 1 is believed allowable and is generic, withdrawn claims 6-61 should also be considered and allowed.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,

YOUNG & THOMPSON



Liam McDowell, Reg. No. 44,231
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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Appendix:

The Appendix includes the following item:

- New Figure 13